

DETAILED ACTION

1. Amendment of claims 1 and 21, cancellation of claims 4 and 24 and a terminal disclaimer in the amendment filed on May 12, 2008 is acknowledged. Claims 1-3, 5-23 and 25-30 are pending in the application.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with John Wurst on July 23, 2008. The application has been amended as follows:

In claim 8, line 1, after "claim", delete "4", and insert

--1--

In claim 11, line 1, after "claim", delete "4 wherein Z is chlorobenzothienyl", and insert

--1 wherein Z is benzo[b]thiophen-3-yl or 3-chlorobenzo[b]thiophen-2-yl--

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In claim 22, line 1, delete "The compound of claim 1, wherein said compound",
and insert

--The method of claim 1, wherein said compound of formula I--

In claim 26, line 1, after "claim", delete "25", and insert

--23--

In claim 28, line 1, after "claim", delete "24", and insert

--23--

Delete claims 5-7 and 25.

Reasons for Allowance

3. Since the variable Z of formula (I) does not represent alkyl, therefore the rejection of claims 1-3, 5-23 and 25-30 under 35 U.S.C. 102 (b) or 103(a) over (1) Bernady et al. CAS: 87:22543; (2) Lopez-Pelegrin et al. CAS: 134:71397; (3) Ohuchida et al. CAS: 100: 209457; (4) Floyd et al. CAS: 90:54519; (5) Bernady et al. US 4,007,210; or (6) Bernady et al. US 3,885,798 has been overcome by the amendment filed on May 12, 2008. Since claims 4 and 24 have been cancelled, the rejection of claims 4 and 24 under 35 U.S.C. 102 (b) or 103(a) has been obviated herein.

4. Since the terminal disclaimer has been filed and approved in the Office, the rejection of claims 1-3, 5-23 and 25-30 under the obviousness-type double patenting over Old et al. US 7,015,243 or application No. 11/241,089 has been overcome by the

amendment filed on May 12, 2008. Since claims 4 and 24 have been cancelled, the rejection of claims 4 and 24 under the obviousness-type double patenting has been obviated herein.

5. Claims 1-3, 8-23 and 26-30 are neither anticipated nor rendered obvious over the art of record, and therefore are allowable. The closest reference is Angehrn et al. US 5,981,519. The difference between the reference and instant claims is that the instant compounds/compositions and methods of use have not been found. A suggestion for modification of above reference to obtain the instant compounds/compositions and methods of use has not been found. Claims 1-3, 8-23 and 26-30 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rei-tsang Shiao whose telephone number is (571) 272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/REI-TSANG SHIAO /

Rei-tsang Shiao, Ph.D.
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Art Unit 1626

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